

REMARKS

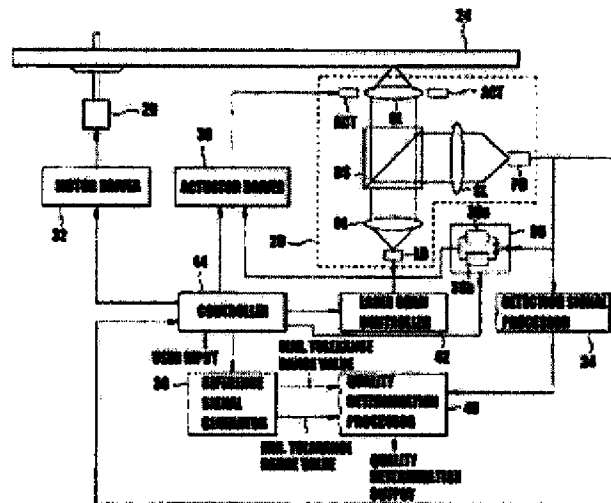
By this amendment, claims 1, 9, 27-29, 34, and 39-40 have been amended. New claims 41-42 have been added. Claims 1, 3-4, 6, 8-9, 11-12, 14, 16, 27-29, 31-32, 34, 36-37, and 39-42 are pending in the application. Applicant reserves the right to pursue the original claims and other claims in this and other applications.

Claims 9, 14, 16, 28, 34, and 40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kim et al. (US 6,188,657). This rejection is respectfully traversed.

Claim 9 recites that "a first light source is used when the recording medium is determined to be of a first type, and a second light source is used when the recording medium is determined to be of a second type" (emphasis added). Claims 28, 34, and 40 recite similar limitations. Applicant respectfully submits that Kim et al. does not disclose these limitations.

To the contrary, Kim et al. discloses in FIG. 2 (reproduced below) only a single "laser diode LD which emits a laser beam." Col. 3, ln. 62. Applicant respectfully submits that Kim et al. does not disclose, teach, or suggest a first and second light source, as recited in claims 9, 28, 34, and 40.

Kim et al. FIG. 2



Since Kim et al. does not disclose all of the limitations of claims 9, 28, 34, and 40, claims 9, 28, 34, and 40 are not anticipated by Kim et al. Claims 14 and 16 depend from independent claim 9, and are patentable at least for the reasons mentioned above, and on their own merits. Applicant respectfully requests that the 35 U.S.C. § 102(b) rejection of claims 9, 14, 16, 28, 34, and 40 be withdrawn and the claims allowed.

Claims 1, 6, 8, 27, 29, and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hitoshi (JP 2001-028134) in view of Iida et al. (US 2004/0240351). This rejection is respectfully traversed. Neither Hitoshi nor Iida et al., even when considered in combination, teaches or suggests all of the limitations of independent claims 1, 27, 29, or 39.

Claim 1 recites that "a first light source is used when the recording medium is determined to be of a first type, and a second light source is used when the recording medium is determined to be of a second type (emphasis added). Claims 27, 29, and 39

recite similar limitations. Applicant respectfully submits that Hitoshi and Iida et al., even when combined, fail to teach or suggest these limitations.

To the contrary, Hitoshi teaches only a single optical beam. Paragraph [0034]. Applicant respectfully submits that Hitoshi does not disclose, teach, or suggest, as recited in claims 1, 27, 29, and 39. Nor does Iida et al. teach or suggest these limitations. Rather, Iida et al. teaches only a single "laser diode 4, which serves as a laser light source." Paragraph [0344]. Thus, Iida et al. does not remedy the deficiencies of Hitoshi.

Moreover, claims 1, 27, 29, and 39 are directed toward a recording medium "without a guide groove." Both of Hitoshi and Iida et al. teach recording media with guide grooves. (Hitoshi, paragraph [0095]; Iida, paragraph [0135]).

Since Hitoshi and Iida et al. do not teach or suggest all of the limitations of claims 1, 27, 29, and 39, claims 1, 27, 29, and 39 are not obvious over the cited combination. Claims 6 and 8 depend from independent claim 1, and are patentable at least for the reasons mentioned above, and on their own merits. Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection of claims 1, 6, 8, 27, 29, and 39 be withdrawn and the claims allowed.

Claims 3 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hitoshi and Iida, and further in view of Eastman et al. (US 5,440,534). This rejection is respectfully traversed. Claims 3 and 31 depend, respectively, from independent claims 1 and 29, and are patentable at least for the reasons mentioned above, and on their own merits. Moreover, Eastman et al. also teaches recording media with guide grooves. Col. 1,

ln. 48-49. Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection of claims 3 and 31 be withdrawn and the claims allowed.

Claims 11 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Eastman. This rejection is respectfully traversed. Claims 11 and 36 depend, respectively, from independent claims 1 and 34, and are patentable at least for the reasons mentioned above, and on their own merits. Moreover, Kim et al. also teaches recording media with guide grooves. Col. 4, ln. 48-51. Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection of claims 11 and 36 be withdrawn and the claims allowed.

New claims 41-42 include subject matter also not taught by the cited references. Specifically, claim 41 recites that “if it is determined that the recording medium is a DVD, the tracking error signal is detected using a differential push-pull method.” None of the cited references teaches a DVD at all. Claim 42 recites that “the tracking error control signal is based on a vertical distance of the object lens from the recording medium.” Hitoshi, which has been cited for teaching controlling the position of the object lens based on a tracking error signal, teaches only “a tracking servo signal.” Paragraph [0073].

The statement that claims 4, 12, 32, and 37 contain allowable subject matter is gratefully acknowledged. Claims 4, 12, 32, and 37 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Claims 4, 12, 32, and 37 depend, respectively, from independent claims 1, 9, 29, and 34, and are allowable for at least the reasons set forth above, and on their own merits.

In view of the above, Applicant believes the pending application is in condition for allowance.

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